

REMARKS

The above-noted amendments to the claims are respectfully submitted in response to the official action dated November 25, 2008, herein. The amendments to the claims are primarily directed to clarification of the claim limitations already in the claims so as to place these claims in better form for purposes of U.S. practice. In addition, the limitations of prior claim 3 have been incorporated into claim 1, as well as correspondingly into claim 9, and it is specifically noted that the Examiner had indicated that claim 3 would be allowable if written to overcome the rejections under §112, second paragraph. Applicant believes that this has now been accomplished, and that since no new matter is included in these amendments, all of the claims in this application are now in condition for allowance. Such action is therefore respectfully solicited.

Claim 4 has been objected to as being in improper form. However, in view of the substantial amendments to claim 4, and the fact that there are no multiply dependent claims in this application, it is clear that this objection has now been obviated.

Claims 1-10 have been objected to because the phrase "characterized in that" fails to conform to U.S. practice. However, once again, in view of the above-noted amendments, and the cancellation of this language from all of the claims, it is clear that this objection has also now been obviated.

Claims 1-10 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner has objected to various language in the claims, but once again in view of the above-noted amendments to these claims, it is also believed that this objection has now been obviated.

Claims 1, 2 and 5 have been rejected as being unpatentable over Christiansson under 35 U.S.C. § 102(b). Regarding claim 1, the Examiner contends that Christiansson

teaches a product carrier in Figure 4 with wheel units 7, carrier arms 8, positioning mechanism 15 and 16, and a holder (where elements 15 and 16 are jointed to element 8), and that the distance L between the wheel units is said to be maintained. As for claim 2, the positioning mechanism is said to comprise a parallel guide mechanism. Finally, as to claim 5, Christiansson is said to teach parallel arms 15 and 16. This rejection is respectfully traversed in view of the above amendments and arguments and for the reasons set forth hereinafter.

In view of the amendments to claim 1, so as to now include the limitations of prior claim 3, on that basis alone it is clear that this rejection is no longer appropriate. The Christiansson patent thus relates to a suspended conveyor including a trolley mounted in an overhead beam system with suspended load-bearing means. In the embodiment shown in Figure 4, two movable trolleys 7 are interconnected by a fixed mutual spacing L. This is accomplished by each trolley having a depending arm 8 and connecting members 15 and 16 between these arms to maintain the distance L. It is thus clear that there is no reference whatsoever in Christiansson to the use of the gears required by amended claim 1 as the positioning mechanism thereof. It is therefore respectfully requested that this rejection be withdrawn.

Claims 6-8 have been rejected as being unpatentable over Christiansson and further in view of Schreyer under 35 U.S.C. § 103(a). With respect to claim 6, after admitting that Christiansson fails to teach curved track sections, Schreyer is said to teach same. As for claim 7, after admitting that Christiansson fails to teach a variable distance between wheel units, it is stated that in any mechanical system tolerances are included in the design. As for claim 8, after admitting that Christiansson fails to teach torsion in the carrier arms, it is said to be obvious that rotation would be

accompanied by torsion in a member along the axis of rotation. This rejection is respectfully traversed in view of the above amendments and arguments and for the reasons set forth hereinafter.

Applicant, of course, once again points to the above-noted amendments to the claims, including the addition of the limitations of claim 3 into amended claim 1. Furthermore, in addition to applicant's prior comments on the Christiansson reference, Schreyer clearly does not overcome the clear distinctions of amended claim 1, as discussed above, over the art, nor is it intended to do so. Therefore, it is respectfully requested that this rejection also be withdrawn.

Claims 9 and 10 have been rejected as being unpatentable over Christiansson in view of Davidson under 35 U.S.C. § 103(a). With respect to claim 9, after admitting that Christiansson fails to teach a second conveyor, Davidson is said to teach second conveyor 22. As for claim 10, after admitting that Christainsson fails to teach a variable distance between wheel units, it is again stated that in any mechanical system tolerances are included in the design. This rejection is respectfully traversed in view of the above amendments and arguments and for the reasons set forth hereinafter.

Once again, the amendments to claim 9 so as to include limitations corresponding to those in prior claim 3 are deemed to clearly overcome this rejection. Indeed, the addition of Davidson was not intended to teach or suggest these limitations, nor does it do so. It is therefore also respectfully requested that this rejection now be withdrawn.

In view of the Examiner's prior conclusion that claim 3 would be allowable if rewritten to overcome the objections under §112, second paragraph, and in view of the amendments to these claims in that regard, it is respectfully submitted that all of the claims in this application now possess

the requisite novelty, utility and unobviousness to warrant their immediate allowance, and such action is therefore respectfully solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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